



Rep. Shane Cultra

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LRB095 11284 WGH 34994 a

1 AMENDMENT TO HOUSE BILL 1631

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1631, AS AMENDED, by  
3 replacing the introductory clause of Section 5 with the  
4 following:

5 "Section 5. The Day and Temporary Labor Services Act is  
6 amended by changing Sections 5, 12, and 30 as follows:

7 (820 ILCS 175/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Day or temporary laborer" means a natural person who  
10 contracts for employment with a day and temporary labor service  
11 agency.

12 "Day and temporary labor" means work performed by a day or  
13 temporary laborer at a third party client, the duration of  
14 which may be specific or undefined, pursuant to a contract  
15 between a day and temporary labor service agency and a third  
16 party client ~~labor or employment that is occasional or~~

1 ~~irregular at which a person is employed for not longer than the~~  
2 ~~time period required to complete the assignment for which the~~  
3 ~~person was hired and where wage payments are made directly or~~  
4 ~~indirectly by the day and temporary labor service agency or the~~  
5 ~~third party client for work undertaken by day or temporary~~  
6 ~~laborers pursuant to a contract between the day and temporary~~  
7 ~~labor service agency with the third party client. "Day and~~  
8 temporary labor" does not include labor or employment of a  
9 professional or clerical nature.

10 "Day and temporary labor service agency" means any person  
11 or entity engaged in the business of employing day or temporary  
12 laborers to provide services, for a fee, to or for any third  
13 party client pursuant to a contract with the day and temporary  
14 labor service agency and the third party client.

15 "Department" means the Department of Labor.

16 "Third party client" means any person that contracts with a  
17 day and temporary labor service agency for obtaining day or  
18 temporary laborers.

19 "Person" means every natural person, firm, partnership,  
20 co-partnership, limited liability company, corporation,  
21 association, business trust, or other legal entity, or its  
22 legal representatives, agents, or assigns.

23 (Source: P.A. 94-511, eff. 1-1-06.)

24 (820 ILCS 175/12)

25 Sec. 12. Recordkeeping.

1 (a) Whenever a day and temporary labor service agency sends  
2 one or more persons to work as day or temporary laborers, the  
3 day and temporary labor service agency shall keep the following  
4 records relating to that transaction:

5 (1) the name, address and telephone number of each  
6 third party client, including each worksite, to which day  
7 or temporary laborers were sent by the agency and the date  
8 of the transaction;

9 (2) for each day or temporary laborer: the name and  
10 address, the specific location sent to work, the type of  
11 work performed, the number of hours worked on a daily  
12 basis, the hourly rate of pay and the date sent. The third  
13 party client shall remit this information to the day and  
14 temporary labor service agency no later than 7 days  
15 following the last day worked in that work week by the day  
16 or temporary laborer;

17 (3) the name and title of the individual or individuals  
18 at each third party client's place of business responsible  
19 for the transaction;

20 (4) any specific qualifications or attributes of a day  
21 or temporary laborer, requested by each third party client;

22 (5) copies of all contracts, if any, with the third  
23 party client and copies of all invoices for the third party  
24 client;

25 (6) copies of all employment notices provided in  
26 accordance with subsection (a) of Section 10;

1           (7) deductions to be made from each day or temporary  
2 laborer's compensation made by either the third party  
3 client or by the day and temporary labor service agency for  
4 the day or temporary laborer's transportation, food,  
5 equipment, withheld income tax, withheld social security  
6 payments and every other deduction;

7           (8) verification of the actual cost of any equipment or  
8 meal charged to a day or temporary laborer;

9           (9) the race and gender of each day or temporary  
10 laborer sent by the day and temporary labor service agency,  
11 as provided by the day or temporary laborer; and

12           (10) any additional information required by rules  
13 issued by the Department.

14           (b) The day and temporary labor service agency shall  
15 maintain all records under this Section for a period of 3 years  
16 from their creation. The records shall be open to inspection by  
17 the Department during normal business hours. Records described  
18 in paragraphs (1), (2), (3), (6), (7), and (8) of subsection  
19 (a) shall be available for review or copying by that day or  
20 temporary laborer during normal business hours within 5 days  
21 following a written request. In addition, a day and temporary  
22 labor service agency shall make records related to the number  
23 of hours billed to a third party client for that individual day  
24 or temporary laborer's hours of work available for review or  
25 copying during normal business hours within 5 days following a  
26 written request. The day and temporary labor service agency

1 shall make forms, in duplicate, for such requests available to  
2 day or temporary laborers at the dispatch office. The day or  
3 temporary laborer shall be given a copy of the request form. It  
4 is a violation of this Section to make any false, inaccurate or  
5 incomplete entry into any record required by this Section, or  
6 to delete required information from any such record.

7 (Source: P.A. 94-511, eff. 1-1-06.); and

8 in subdivision (2) of subsection (a) of Sec. 30 of Section 5,  
9 by inserting after "pay period" the following:

10 "as reported to a day or temporary labor service agency by each  
11 third party client"; and

12 by inserting at the end of the bill the following:

13 "Section 99. Effective date. This Act takes effect upon  
14 becoming law."